

# California Architects

a publication of the california architects board

public protection through examination, licensure and regulation

## Architect Shortage Felt Across California

**One of the biggest changes in architectural practice,** and one of the most troubling for many, is the shortage of trained architects in the state. Several factors have contributed to the shortage, including a nationwide prosperity that most practicing architects have never seen. Interviews with architects from Redding to San Diego revealed an interesting combination of reasons for the shortage, some specific to the region.

- The nationwide boom has created work for architects in all parts of the country and eliminated an impetus for them to move to the regions where work is more plentiful. In addition, many architects left California during the recession of the early to mid 90s and did not return. During that time, many who had considered architecture as a career path may have been scared away as well, with the resulting shortage being felt at the same time as the economic upswing. The economic expansion is also translating across sectors, with public money being plentiful at the same time private building (both residential and commercial) is booming.
- Competition for architects and students is coming from outside industries. Architectural students are generally high achievers with a combination of creative, engineering, and computer skills that are desirable to many professions. According to Gordon Carrier of Carrier Johnson Architects, in San Diego and other parts of Southern California the entertainment industry is drawing many with design and computer skills out of the traditional practice of architecture.

Ron Ronconi of CAS Architects in Mountain View finds the pull coming from the high-tech companies of Silicon Valley, the dot coms in particular. "We're seeing architectural students choose other career paths. And, for the first time

ever, we've lost employees to clients for space and facility planning. The high-tech companies offer financial rewards that architectural firms can't compete against. It's a unique condition of this valley."

- Outlying areas continue to lose architects to the cities because of the pay disparity and the lack of urban amenities. "Because we have a limited pool of architects, we have always drawn people from out of the area," said Don Rossetto of Nichols, Melburg & Rossetto in Redding. "But they have to want the country lifestyle we can offer. Right now we could use five or six people to handle work we are turning away."

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## 2000 Strategic Plan Adopted

**On March 17, 2000, the CAB adopted its 2000 Strategic Plan.** The plan's key strategic issues included:

**Education**—In part, as a result of the October 1999 education summit, the Board has identified the need to establish an ongoing relationship with the state's architectural education programs to facilitate information exchange and problem solving, and to inform students about licensure.

**Internship**—The Board has determined that the public would benefit from a required structured internship to (1) improve the competency of entry-level architects, and (2) facilitate reciprocity.

**Continued Competency**—Last year, the Board conducted focus groups with representatives from related disciplines and established a Task Force on Post-Licensure Competency to analyze the results. The task force recommended and the Board authorized a major study to determine the scope and

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## Update on the Smart Permit Initiative

By **Zane R. Paxton, AIA**, President, G-4 Consulting, Inc.

**There are now eight Smart Permit pilot cities in Silicon Valley** actively implementing what is rapidly evolving into something bigger — electronic city hall. Joint Venture: Silicon Valley Network (JV:SVN), the nonprofit organization that is facilitating the initiative, has a lot of information available on Smart Permit and the pilot cities on their website at <http://www.jointventure.org/initiatives/smartpermit/index.html>.

From an architect's viewpoint, Smart Permit has many benefits. It:

- offers 24x7 self-service convenience over the Internet;
- is environmentally friendly since it's paperless and keeps you out of your car;
- is faster and easier;

- allows you to use digital signatures, now available for California architects and offering far greater security than traditional wet stamping and signing; and
- provides greater speed to meet client demands.

Smart Permit, as it impacts architects, includes a number of innovations including:

- Digital signatures
- Internet delivery of submittals
- Uniform application forms
- Electronic redlining tools
- Whiteboard conferences

Smart Permit is an ongoing collaboration process. With the enthusiastic support, leadership, and participation of the profession, everyone benefits.

## New State Architect Appointed



**Stephan Castellanos, FAIA, of Derivi Castellanos Architects**, was appointed State Architect by Governor Gray Davis on February 27, 2000. The State Architect is responsible for reviewing the plans and construction of publicly funded schools and essential services buildings.

Castellanos, who has been licensed since 1975, has served on CAB's Task Force on Post-Licensure Competency since February 1999, and in numerous leadership positions at the local, state, and national levels of The American Institute of Architects.

## New Notice of Licensure Regulation

**On January 1, 1999, a new law went into effect** requiring all boards, bureaus, programs, and commissions within the Department of Consumer Affairs to adopt regulations that required licensees to provide notice to their clients that they are licensed by the State of California.

Effective April 20, 2000, Title 16, California Code of Regulations section 140 was adopted to meet this mandate. Section 140 requires all licensed architects to provide notice to their clients that they are currently licensed by the Board. The regulation provides four different methods that licensees may choose from to meet the requirement. Licensees may choose any method(s) to notice their clients that fits within their current business practices.

The actual language of the new regulation is provided below for your reference. Any questions regarding the regulation should be directed to the Board's Enforcement Unit at (916) 445-0548 or by email at [www.cab.ca.gov](http://www.cab.ca.gov).

### **Section 140 - Notification of Licensure to Clients**

Every licensee shall provide notice to the licensee's clients of the fact that the licensee is currently licensed by the Board. Notice shall be provided by any of the following methods:

- (a) Displaying his or her license in a public area of the principal place of practice where the licensee provides the licensed service.
- (b) Providing a statement to each client to be signed and dated by the client and retained in the architect's records, that states the client understands the architect is licensed by the California Architects Board.
- (c) Including a statement that the licensee is licensed by the California Architects Board either on letterhead or on a contract for services.
- (d) Posting a notice in a public area of the principal place of practice where the licensee provides the licensed service that states the named licensee is licensed by the California Architects Board.

## Strategic Plan *continued*

depth of practice issues raised by the focus groups. The task force is to develop from the study what remedial actions, if any, are needed to ensure architects' continued competency and make recommendations by the 2001 strategic planning session.

**Enforcement**—The Regulatory and Enforcement Committee has made great strides in improving complaint handling and the disciplinary process, and will be addressing the issues of responsible control, construction observation, and firm registration. Other key issues include the potential for an increase in unlicensed practice brought about by the strong economy, rules governing firm registration and advertising, and the definition of responsible control in light of electronic document preparation, geographically remote project staff, etc.

**Technology**—Governor Davis has made electronic government a priority that the Board must be prepared to address, including electronic testing, application filing, and expanded information dissemination.

**NCARB Relations**—The Board's goal is to influence National Council of Architectural Registration Boards' (NCARB) decision-making to benefit its constituency (the public of California, which includes licensees who are certificate holders, candidates who are taking the exam, and interns participating in the Intern Development Program). The Board contributes hundreds of hours to that end and will continue to seek leadership positions and build on relationships established. The Board will also continue to work with other large states that share a common ground and recognize reciprocity as an issue of consumer protection.

## NCARB Strategy Update

In our last newsletter we said we would cover the results of the recent CAB strategic planning session, along with an update of our strategy as it relates to National Council of Architectural Registration Boards (NCARB).

The Board began developing formal positions on the following NCARB-related issues that should be finalized by the May meeting:

- ◆ Architect Registration Examination, including the practice analysis, exam content, exam format, and exam costs;
- ◆ Intern Development Program, including training conditions, duration requirement, competency assessment, experience alternatives, content validation, entry point, and costs;
- ◆ Education and support of the Broadly Experienced Architect Program;
- ◆ Professional development;
- ◆ NCARB governance, including the need for an executive committee, regional realignment, and committee representation;
- ◆ NCARB meeting policies including locations, costs, and perceptions;
- ◆ NCARB committee structure and charges;
- ◆ Budget review and information dissemination;
- ◆ International practice; and
- ◆ Reciprocity.

We appreciate your comments on any of these issues.

## NCARB to Examine Current Practices in Architecture

**What does it mean to be an architect today?** The National Council of Architectural Registration Boards (NCARB) has begun an in-depth study of the profession that will reveal trends and state-of-the-art practices in architecture.

This practice analysis study involves four major research components: focus groups, work observations, critical incident interviews, and a 4000-architect survey. The results from these research phases will be analyzed to determine the knowledge, skills, and abilities required to perform the functions of an architect. NCARB expects the information gathered from this study to have a major impact on the areas tested by the Architect Registration Examination. Furthermore, the results can help architectural schools shape their curriculums to better position their students to enter the workforce.

## Shortage *continued*

- Salary versus cost-of-living issues create a challenge for firms in high-growth regions. As the cost of housing continues to soar in regions like the Bay Area, salaries must likewise climb, putting stress on a firm's budget. Linda Stevenin of CAS Architects estimates that entry-level salaries have increased by as much as 30 percent in the past 18 months. Signing bonuses, never considered in the past, are now commonplace in many areas. And the pressure to ensure that staff salaries keep up with the market continues to grow.

Predictably, the shortage is causing many architectural firms to turn away work. "We don't like to, but we're turning away work from new clients that doesn't fit into our timeframe," said Jack Paddon of Willams + Paddon in Roseville. "We moved into new offices and added eight new people since the beginning of the year. And we would like to hire more, if we could find the right caliber of employee."

## New Hiring Strategies

Hiring strategies are changing to accommodate the tight market. Most agree that advertising in local newspapers does not produce returns commensurate with cost. Successful strategies include outsourcing to smaller firms or home-office architects who can help with documentation. Additional strategies include Internet advertising through firm websites and The American Institute of Architects (AIA). Recruiting at the college level continues to be popular, as does word-of-mouth networking. Though there continues to be an unspoken agreement between regional firms not to solicit one another's staff, staff members are encouraged to actively recruit when they hear of a colleague's intention to leave another firm.

The reach of Internet advertising is introducing a tendency to hire on a more international level, with architects coming largely from Asia, Europe, and Canada to meet the demand. Firms once unfamiliar with the visa process are now finding it to be a routine, but time-consuming, aspect of the hiring process.

## The Most Successful Strategy

Though the issues affecting the regions are somewhat different, one dominant strategy for success remains the same—maintaining a positive work environment. It's not just a matter of hiring, but also of retaining quality architects. With work plentiful, architects change firms to get involved with the kind of work they enjoy or to find a better working relationship with the principals.

According to Paddon, "We've worked 18 years building our reputation within the community, and that is paying off now when prospective employees start asking around about us. But more important, we haven't lost anybody. And that may be a firm's most important accomplishment."

## New Consumer's Guide Available

The Board's latest version of a *Consumer's Guide to Hiring an Architect*

was sent to all California licensed architects in March. The guide, which is the Board's most popular publication, was also sent to all California building departments and The American Institute of Architects chapter offices.



You can find copies of the guide and all of the Board's other publications on the Board's website at [www.cab.ca.gov](http://www.cab.ca.gov). Or you may order them free through the Board.

The other available publications are:

- 2000 Architects Practice Act
- Candidate's Handbook
- Table of Equivalents
- The Practice of Architecture in California (Report on the 1998 Analysis of Architectural Practice)
- Trends in Practice Report
- Focus Group Meetings Report
- Survey of California Architectural Internship

Many of the publications are available as .pdf files that can be viewed and downloaded directly from the website. If you prefer, you may request a copy by contacting CAB at (916) 445-3394.



# Internship Survey Results

Recently, the CAB conducted a survey of California candidates to better understand the issue of architectural internships. The CAB has, for some time, been studying the appropriateness of a structured internship program as a requirement for licensure in California. The goals of such a program would be to improve the competency of newly licensed architects and to facilitate licensing reciprocity for California architects.

The CAB has determined that a logical approach to meet both of these goals would be to adopt the Intern Development Program (IDP) that the National Council of Architectural Registration Boards (NCARB) administers and which is currently required in 44 other jurisdictions.

On January 5, 2000, CAB mailed out surveys to 2,734 California candidates who had applied for eligibility for the Architect Registration Examination (ARE). Responses were received from 614 candidates and the information gathered was compiled in the Survey of California Architectural Internship.

## Summary of Survey Results

Of the 614 responses received:

- 44** (7% of respondents) had completed IDP;
- 79** (13% of respondents) were participating in IDP;
- 332** (54% of respondents) had completed their non-IDP experience for California licensure;
- 159** (26% of respondents) were in the process of earning credit for non-IDP experience for California licensure.

## Differences between IDP and Non-IDP Respondents

There were some noticeable differences between the IDP and non-IDP respondents—some logical, others somewhat surprising.

Overall, IDP participants were more positive about aspects of IDP and its effects on their lives.

**IDP participants** were more likely to plan on practicing in other states, but there was little difference in their plans to practice internationally.

**IDP participants** were much more likely to indicate they had trouble contacting NCARB (76%) than non-IDP participants (11%).

**66% of non-IDP participants** thought IDP was a significant barrier to licensure, while 37% of IDP participants thought so.

## Familiarity with IDP

Ninety-two percent of respondents had heard of IDP, which was in stark contrast to the results of the CAB survey of licensed architects in 1997, a majority of whom were unfamiliar with IDP. Most respondents (50%) had learned about IDP in school.

## Cost Concerns

A large percentage of respondents were concerned about the costs of IDP. Seventy-six percent thought IDP created unreasonable costs to the intern (59% of IDP participants and 80% of non-IDP participants).

## How Does IDP Prepare Candidates?

While a significant number of respondents felt that IDP better prepared candidates to become a more competent and well-rounded architect (45%) and to practice in other states and countries (32%), only 23% thought it helped them pass the ARE.

## Adopt IDP?

Results varied regarding whether IDP should be adopted.

**30% thought IDP** should be adopted “as is” as soon as possible (43% of IDP participants and 26% of non-IDP participants).

**39% thought IDP** should never be adopted (19% of IDP participants and 44% of non-IDP participants).

**23% thought IDP** should be adopted with changes (29% of IDP participants and 21% on non-IDP participants).

## Training Settings

Under current IDP requirements, interns are limited to the number of training units they may earn under the direct supervision of an architect in an office where practice does not include each of the categories in the IDP Training Requirements.

**Nearly half (46%)** of respondents thought that the training setting requirement that most IDP credit be earned in a traditional office offering all 16 training areas was a hindrance.

**67% of all respondents** (76% of IDP participants and 65% of non-IDP participants) thought training units should be earned under the direct supervision of a licensed architect regardless of the work setting.

## Duration Requirement

Under IDP conditions, interns must be employed at least 35 hours per week for a minimum period of 10 consecutive weeks or at least 20 hours per week for a minimum period of six (6) consecutive months.

**25% thought the requirement** was a hindrance.

**38% thought the requirement** was acceptable as is (56% of IDP participants thought it was acceptable, while 33% of non-IDP participants thought so).

**21% of all participants** thought the requirement should be eliminated, while 7% thought it should be amended.

## Obtaining a Report

The full report is available at the Board’s website at [www.cab.ca.gov](http://www.cab.ca.gov).



# ARCHITECT AND CONTRACTOR

## Important Reminders for Licensees

*By D. Chang & R. Carter*

### Introduction:

#### **While the professions of architecture and construction**

have very distinct characteristics and unique responsibilities, the two professions overlap in a shared area of skills and services, such as project or construction management services, which either professional may perform. Confusion over both professionals' role and responsibilities can occur in this shared area of service — especially when providing design/build services.

The dilemma over roles and responsibilities can be further exaggerated when the “design/builder” is an individual who is dually licensed as an architect and a contractor. On occasion, dual licensees will attempt to hide behind the provisions of one license to avoid discipline for actions under the other. Architects holding contractor licenses, even if acting primarily as contractors, are subject to the provisions of the Architects Practice Act to the extent that the services they provide are also deemed to be the skills and duties of an architect. Similarly, architects who are also contractors may have their contractor licenses disciplined if they violate the state contractors' license law while providing project and/or construction management services. Licensees will not be allowed to hide behind another license to avoid prosecution by the respective boards where they are providing services common to architecture and contracting.

The Architects Practice Act provides that an architect's license may be

disciplined based upon disciplinary action taken by any public agency for any act “...substantially related to the qualifications, functions, or duties as an architect...” Construction is an activity substantially related to the duties of an architect and therefore, a disciplinary action taken by the Contractors State License Board (CSLB) against an individual who is an architect can constitute grounds for discipline of that individual's architect license by the California Architects Board (CAB).

### Recent Case Study:

In a stipulated decision, the CAB revoked the license of an architect for, among other reasons, engaging in the business of a contractor without holding a valid license to do so. This architect had previously worked for and with contractors. He was in the process of being licensed by CSLB at the time that he contracted with two homeowners to rebuild their earthquake-damaged residences. Additionally, during the time he did not possess a contractor's license, he falsely represented that as an architect he could act as a contractor and that he was therefore better qualified because he could do all of the work himself (creating plans, demolition, building and construction supervision). Therefore, he had inappropriately used his architect's license and the status thereof to obtain the work. Once he obtained the work, he proceeded to act as a contractor. He failed to adequately supervise the construction, he used unlicensed subcontractors to perform the work, and he approved and authorized

payment for work that he knew did not comply with applicable building codes. Based upon the architect's contracting activities, the CSLB issued a citation against the architect for providing contracting work without a contractor's license.

The CAB found that the disciplinary action taken by the CSLB against an architect who had engaged in unlicensed activity was substantially related to the qualifications, functions, and duties of an architect, and discipline could be imposed against the architect. Thus, an architect's license may be subject to discipline by the CAB where the licensee has been disciplined by a public agency regulating an allied profession.

### Reminders to Licensees:

An architect is not exempt from the Contractors' State License Law when it comes to requiring a contractor's license for anyone who provides materials and labor in excess of \$500. Therefore, architects who wish to construct the buildings that they design must comply with the provisions of the Contractors' State License Law.

When practicing in the design/build arena, it is suggested that architects clearly define the role or roles that they will play in each project stage. In accordance with the Architects Practice Act - Rules of Professional Conduct, any potential conflicts of interest should be clearly explained, especially if compensation for architectural services is included in the cost for construction.

## We Asked...

**In each issue, we ask your opinion** on an issue facing the profession. Last issue we asked the question, "Do you feel the current education system is adequately preparing new architects for practice?"

"Although I have limited experience, I do have some and can say that college certainly does not prepare you for the real world of architecture. There is a whole business aspect that students aren't exposed to in college. It's a whole different game in the real world."

"I myself never heard of basics such as pre-design, schematic design, design development, construction documents, and job supervision phases until I started working in an

office as an intern. Only then did I learn that licensing is all about health, safety, and welfare."

"Our educational system does not prepare students for practicing architecture because administrators and instructors choose to avoid it; they prefer to teach only how to think, leaving students to learn about practice on their own....All professional degree programs should include preparation for practice as well as theory...."

### Some thoughts on NCARB...

"NCARB's status as a nonprofit organization has a responsibility to all of its member boards to make available its fiscal budget....NCARB has a fiduciary responsibility to be held accountable for."

"California should lobby NCARB and all states that require a degree for reciprocity to drop the requirement. Thank God this was not the case when Frank Lloyd Wright was practicing. I would hate to think what architectural treasures would be lost today if he had been restricted to practicing only in those states allowing an architect to get a license without a degree!"

### Share your thoughts

We addressed the shortage of architects in this issue and would be interested in your thoughts.

How has the shortage of trained architects affected your firm or your career? What steps have you taken to remedy the situation?



## The Board's Website: A Popular and Useful Tool [www.cab.ca.gov](http://www.cab.ca.gov)

**The Board's website is fast becoming a well-used tool** for licensees, candidates, and the public. We are continuing to improve its effectiveness and welcome your comments on how the site could better serve your needs. In particular, we would like to know:

- What information would you like to see that is not presently available?
- Have you had any difficulty finding the information you need on the site?
- How can the Board broaden its use to the public?
- Are there any other improvements you would recommend?

**Statistics:** In the past year, the site has been accessed by more than 18,000 users. The most active day on the site is Monday and the most active time is around 1:30 in the afternoon during a weekday. Beyond the menus, search function, and home page, the most often accessed page is the 1999 Candidate's Handbook page, followed by How to Apply for the ARE. Also popular is the web page for viewing and downloading the booklet "Consumer's Guide to Hiring an Architect."

**License Query:** The site is growing in popularity and in functionality. Browsers can verify a California architect license by searching by name, city, and/or license number. The browser is provided with the license number, name, address (city, state and zip code), and license issue and expiration dates. Telephone numbers and street addresses are not provided.

Licensees may also submit address changes through an online form that replaces the mailed paper form.

The site continues to grow and change with useful new additions. Please be sure to visit the site to see the wealth of information now available and to give us your suggestions for future enhancements.



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## Enforcement Actions

The CAB is responsible for receiving and screening complaints against licensees and performing some of the investigation into these complaints. The Board also retains the authority to make final decisions on all enforcement actions taken against its licensees. Included below is a brief description of recent enforcement actions taken by the Board against its licensees and unlicensed persons who were found to be in violation of the Architects Practice Act. Every effort is made to ensure that the following information is correct. Before making any decision based upon this information, you should contact the Board. Further information on specific

violations may also be obtained by contacting the Board.

### Citations

**JIM G. FOSTER (Alameda)** The Board issued an administrative citation to Jim G. Foster, architect license number #C-14217, for a violation of Business and Professions Code section 5536.22 (Written Contract). The action was taken based on evidence that Mr. Foster commenced preparing drawings and billed for services for a residence without having executed a written contract for professional services. The complaint was a dispute aggravated by the fact that there was no written contract. The citation became final on March 13, 2000.

**CHRISTIAN R. LIGHT (Newport Beach)** The Board issued an administrative citation that included a \$1,500 civil penalty to Christian R. Light for violations of Business and Professions Code section 5536.1(a) (Signature and Stamp on Plans and Documents; Unauthorized Practice; Misdemeanor) and section 5584 (Negligence or Misconduct). The action was taken as a result of an investigation that revealed that Mr. Light allowed an unlicensed employee to affix Mr. Light's architect stamp to design plans, sign Mr. Light's name, and write in the expiration date on the stamp because Mr. Light was out of town and the building department required Mr. Light's stamp and signature on the plans. Furthermore, Mr. Light failed to comply with applicable accessibility codes and regulations on the design plans he prepared for the remodel of a restaurant. Mr. Light paid the civil penalty, satisfying the citation.

**FRANK A. MORENO (La Quinta)** The Board issued an administrative citation that included a \$500 civil penalty to Frank A. Moreno, an unlicensed individual, for a violation of Business and Professions Code section 5536(a) (Practice Without a License or Holding Self Out as Architect). The action was taken as a result of an investigation that revealed that Mr. Moreno listed his business, Desert Home Designers, under the Architects heading in the October 1998 Indio-Palm Desert GTE Yellow Pages telephone directory. Despite numerous letters and telephone calls, Mr. Moreno refused to comply with the Board's requests to have the listing removed. The citation became final on February 24, 2000.

**MICHAEL J. MURPHY (San Bernardino)** The Board issued an administrative citation to Michael J. Murphy, architect license number #C-16304, for a violation of Business and Professions Code section 5536.22 (Written Contract). The action was taken based on evidence that Mr. Murphy commenced conducting site inspections, prepared preliminary drawings, and billed for services for a residence without having executed a written contract for professional services. The citation became final on March 6, 2000.

### TO GET IN TOUCH WITH US

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